

REMARKS

The application has been reviewed in light of the Office Action dated June 18, 2003. Claims 1-29 are currently pending in this application, with claims 1, 9, 17, 28, and 29 being in independent form. It is submitted that no new matter has been added and no new issues have been raised by the present response.

The specification has been amended to update the status of the cross reference to related application.

The Office Action indicated that Figure 1 should be designated by a legend –Prior Art--. This request is respectfully traversed. Figure 1 of the present disclosure has not been admitted by Applicant to be prior art. It is respectfully pointed out that pages 1-6 of the present disclosure describe “Related Art.” No admission of any “prior art” has been expressed or implied. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Claims 1, 7, 8, and 17 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 5,918,207 to McGovern et al. Claims 28 and 29 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,009,422 to Ciccarelli. Claims 2-6 and 18-27 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Applicant's alleged admitted prior art in view of Ciccarelli. Claims 9-16 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ciccarelli in view of Applicant's alleged admitted prior art.

Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits the independent claims are patentably distinct from the cited art, for at least the following reasons.

Independent claim 1 relates to a method of processing a database service query comprising receiving a service query, including a filter having one or more filter items, expanding the filter, and applying a condition test to each filter item to determine if the filter item includes a NOT connective and if the filter item is one of two types of filter items.

Although the paragraph numbered 6 in the Office Action refers to Claims 1, 7, 8 and 17 as being rejected based on McGovern et al., the detailed comments on pages 3-6 of the Office Action refer to Applicant's alleged admitted prior art. As noted above, Applicant has not admitted any prior art. Accordingly, to the extent (if any) that the Office Action relies on alleged admitted prior art in this rejection, the rejection is traversed. To the extent (if any) that the Office Action relies on McGovern et al, Applicant respectfully traverses the rejection for the following reasons

McGovern et al., as understood by Applicant, relates to a process and system for predictive resource planning to allow a service provider to meet a customer's predicted technical resource requirements. As understood by Applicant, the process and system of McGovern et al. is directed to allowing a service provider to anticipate the technical skills the service provider's personnel will need to meet predicted business requirements of a customer, based on the customer's technology direction (see McGovern et al., col. 3, lns. 25-40). The process stores information in a relational database, and uses a software tool to search the stored information to find candidates to fulfill customer needs (see id., lns. 57-64).

It is respectfully submitted, however, that McGovern et al. does not disclose or suggest a method of processing a database service query, comprising: receiving a service query, including a filter having one or more filter items, expanding the filter, and applying a condition test to each filter item to determine if the filter item includes a NOT connective and

if the filter item is one of two types of filter items, as recited in independent claim 1.

Accordingly, Applicant submits that independent claim 1 is patentably distinct from the cited art. Independent claim 17 is believed to be patentably distinct from the cited art for at least similar reasons.

Ciccarelli, as understood by Applicant, relates to an information retrieval system and method that translate a single search request or query across heterogeneous databases independent of database search grammar. A client uses a process to express the query in a powerful programming language, i.e., Generalized Query Language (GQL) which has a wide variety of operators to precisely specify the conditions of the query and enable a fused response to be provided by the databases to the query.

As understood by Applicant, the system and method of Ciccarelli uses GQL for query translation in the generation of a single search query for dissimilar search engines (see Ciccarelli, col. 2, lns. 41-48). GQL is broken into five parts, each addressing a slightly different element of search condition construction: simple tokens, fielded constructs, Boolean constructs, proximity constructs, and concept constructs (see id., col. 3, lns. 3-7).

The Office Action cites the description in Ciccarelli of the fielded and Boolean constructs of GQL as allegedly disclosing "a condition tester that determine[s] whether a filter item is a type only filter item or a type and value filter item" (see Office Action, p. 6, lns. 12-14).

The ordinal fielded operators of GQL are used when dealing with fields containing ranges of values such as numbers and dates (see Ciccarelli, col. 4, lns. 30-64). The ordinal fielded operators are used to determine whether some values are greater or lesser than others.

Four operators take a field name and a single value (less than, greater than, less than

or equal to, and greater than or equal to), while two operators require two values: Between Inclusive and Between Exclusive (see id.). The Between Inclusive and Between Exclusive operators test the numerical value of a field against a range of values, instead of against a single value (see id.).

As understood by Applicant, GQL also includes three Boolean operators (OR, AND, SUBTRACT) that are used to join multiple simple query expressions into complex expressions to more closely define the information sought (see id.).

However, Applicant finds no teaching or suggestion in Ciccarelli of a condition tester that determines whether a filter item is type only filter item or a type and value filter item, as recited in independent claim 28.

Accordingly, Applicant submits that independent claim 28 is patentably distinct from the cited art. Independent claim 29 is believed to be patentably distinct from the cited art for at least similar reasons.

Regarding the rejection of independent claim 9, the Office Action notes that Ciccarelli does not disclose or suggest filter expanding means, and cites the discussion of applicant's alleged admitted prior art.

As noted above, Applicant has not admitted any prior art. Accordingly, the rejection of independent claim 9 is respectfully traversed.

Accordingly, Applicant submits the independent claims are in condition for allowance.

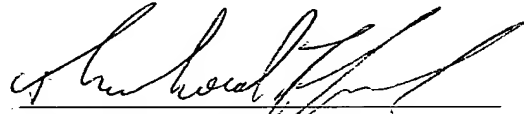
The Office is hereby authorized to charge any additional fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this response and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard F. Jaworski', written over a horizontal line.

RICHARD F. JAWORSKI

Reg. No. 33,515

Attorney for Applicant

Cooper & Dunham LLP

Tel.: (212) 278-0400